

AMENDED IN ASSEMBLY MARCH 12, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 475

Introduced by Assembly Member Brown

February 19, 2013

An act to ~~amend Section 52379 of the Education Code, relating to pupil counseling; amend Sections 67451 and 67452 of the Education Code, relating to student athletes.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 475, as amended, Brown. ~~Pupil counseling; supplemental school counseling; Student athletes: scholarships.~~

Existing law establishes the Middle and High School Supplemental Counseling Program, and requires the governing board of a school district that maintains any of grades 7 to 12, inclusive, as a condition of receiving funds appropriated for purposes of that program, to adopt a counseling program at a public meeting that includes, among other things, a provision for a counselor to meet with each pupil to explain the academic and deportment records of the pupil, his or her educational options, the coursework and academic progress needed for satisfactory completion of middle or high school, and the availability of career guidance activities. Funds appropriated in the annual Budget Act for the purposes of the program are required to be allocated to school districts based on an equal amount per pupil enrolled in the district in the prior fiscal year based on the fall California Basic Educational Data System enrollment data in grades 7 to 12, inclusive, with certain minimum grant exceptions. *provides for a system of postsecondary education in this state. This system includes 4 segments: the University of California, administered by the Regents of the University of*

California; the California State University, administered by the Trustees of the California State University; the California Community Colleges, administered by the Board of Governors of the California Community Colleges; and independent institutions of higher education.

~~This bill, instead, would require the appropriation to be allocated based on the needs of pupils as indicated by the number of pupils who failed either section of the high school exit examination in the most recent grade 10 administration of that examination, and would require the allocation to be calculated pro rata based on the number of pupils who failed either section of the high school exit examination in the most recent grade 10 administration of that examination, with certain minimum grant exceptions. The bill would require school districts receiving funding under this program to provide matching funds on a one-to-one basis.~~

~~The bill would specify duties authorized to be performed by a counselor position funded under this program.~~

Existing law establishes the Student Athlete Bill of Rights, pursuant to which, commencing with the 2013–14 academic year, intercollegiate athletic programs at 4-year institutions of higher education in this state, as defined, that receive, as an average, \$10,000,000 or more in annual revenue derived from media rights, as defined, for intercollegiate athletics, shall be required to comply with prescribed requirements.

This bill would define the term “licensing fees” for purposes of the Student Athlete Bill of Rights, and would instead make those provisions applicable to intercollegiate athletic programs at 4-year institutions of higher education in the state that receive, as an average, \$20,000,000 or more in annual revenue derived from media rights and licensing fees for intercollegiate athletics. The bill would require that, commencing with the 2015–16 academic year, an athletic scholarship given out by a public institution of higher education in the state be guaranteed for 5 academic years or for the completion of a student athlete’s eligibility if the student athlete maintains good standing with the institution he or she attends and continues his or her participation in the sport. The bill would also require that, commencing with the 2015–16 academic year, a full athletic scholarship given out by a public institution cover the full cost of attendance for the institution the student athlete attends, and include an additional \$3,600 student athlete participation stipend.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 67451 of the Education Code is amended*
2 *to read:*

3 67451. For purposes of this part:

4 (a) “Athletic association” means any organization that is
5 responsible for governing intercollegiate athletic programs.

6 (b) “Athletic program” means an intercollegiate athletic program
7 at any institution of higher education within the meaning of
8 subdivision (d).

9 (c) “Graduation success rate” means the percentage of student
10 athletes who graduate from that institution of higher education
11 within six years of their initial enrollment, excluding outgoing
12 transfers in good academic standing with athletic eligibility
13 remaining, and including incoming transfers. The rate is to be
14 calculated by combining the rates of the four most recent classes
15 that are available in the exact manner as the rate is calculated under
16 National Collegiate Athletic Association rules.

17 (d) “Institution of higher education” means any campus of the
18 University of California or the California State University, or any
19 four-year private university located in California, that maintains
20 an intercollegiate athletic program.

21 (e) “*Licensing fees*” means fees received by an institution of
22 higher education for the use of the likeness of the school or one
23 or more student athletes to market, promote, or advertise products,
24 jerseys, video games, events, literature, or signage.

25 ~~(e)~~

26 (f) “Media rights” means the rights to media coverage of
27 intercollegiate athletics included in contracts that are entered into
28 by intercollegiate athletic conferences and television networks and
29 that generate monetary payments to individual institutions of higher
30 education.

31 ~~(f)~~

32 (g) “Student athlete” means any college student who participates
33 in an intercollegiate athletic program of an institution of higher
34 education, and includes student athletes who participate in
35 basketball, football, and other intercollegiate sports.

36 *SEC. 2. Section 67452 of the Education Code is amended to*
37 *read:*

1 67452. (a) Commencing with the 2013–14 academic year, an
2 athletic program shall comply with all of the following:

3 ~~(a)–(1)~~

4 (1) If an athletic program does not renew an athletic scholarship
5 of a student athlete who suffers an incapacitating injury or illness
6 resulting from his or her participation in the athletic program, and
7 the institution of higher education’s medical staff determines that
8 he or she is medically ineligible to participate in intercollegiate
9 athletics, the institution of higher education shall provide an
10 equivalent scholarship that, combined with the total duration of
11 any previous athletic scholarship or scholarships received by the
12 student athlete, will be provided for a total of up to five academic
13 years or until the student athlete completes his or her undergraduate
14 degree, whichever period is shorter. Additional years may be
15 provided at the discretion of the institution of higher education.

16 (2) If a student athlete takes a temporary leave of absence from
17 an institution of higher education, the duration of that leave of
18 absence shall not count against the five-year limit on eligibility
19 for an equivalent scholarship imposed by paragraph (1).

20 (3) An athletic program shall provide an equivalent scholarship
21 to a student athlete who was on an athletic scholarship and is in
22 good standing, but has exhausted his or her athletic eligibility, for
23 up to one year or until the student athlete completes his or her
24 primary undergraduate degree, whichever is shorter, except that
25 an athletic program with a graduation success rate that is above
26 60 percent, disaggregated by team, shall not be subject to the
27 requirements of this paragraph.

28 (4) A student athlete whose athletic scholarship is ~~not renewed~~
29 *terminated* for cause by an athletic program shall receive no
30 benefits under this part, but may appeal this decision within the
31 institution of higher education attended by the student or within
32 the athletic conference or association of which that institution of
33 higher education is a member, as appropriate.

34 (b) *Commencing with the 2015–16 academic year, an athletic*
35 *scholarship given out by a public institution of higher education*
36 *in the state shall be guaranteed for five academic years or for the*
37 *completion of a student athlete’s eligibility if the student athlete*
38 *maintains good standing with the institution he or she attends and*
39 *continues his or her participation in the sport.*

1 (c) *Commencing with the 2015–16 academic year, a full athletic*
2 *scholarship given by a public institution of higher education shall*
3 *cover the full cost of attendance for that institution and shall*
4 *include an additional three-thousand-six-hundred-dollar (\$3,600)*
5 *student athlete participation stipend.*

6 ~~(b)~~

7 (d) Each athletic program shall conduct a financial and life skills
8 workshop for all of its first-year and third-year student athletes at
9 the beginning of the academic year. This workshop shall include,
10 but not be limited to, information concerning financial aid, debt
11 management, and a recommended budget for full- and
12 partial-scholarship student athletes living on or off campus during
13 the academic year and the summer term based on the current
14 academic year's cost of attendance. The workshop shall also
15 include information on time management skills necessary for
16 success as a student athlete, and academic resources available on
17 campus.

18 ~~(e)~~

19 (e) An institution of higher education shall grant a student athlete
20 the same rights as other students with regard to any and all matters
21 related to possible adverse or disciplinary actions, including, but
22 not necessarily limited to, actions involving athletically related
23 financial aid.

24 ~~(d)~~

25 (f) An athletic program shall respond within seven business
26 days with an answer to a student athlete's written request to transfer
27 to another institution of higher education.

28 ~~(e)~~

29 (g) An institution of higher education that receives, as an
30 average, less than ~~ten million dollars (\$10,000,000)~~ *twenty million*
31 *dollars (\$20,000,000)* in annual income derived from media rights
32 *and licensing fees* for intercollegiate athletics shall not be subject
33 to the requirements of this section.

34 ~~(f)~~

35 (h) An institution of higher education to which this section
36 applies shall rely exclusively on revenue derived from media rights
37 *and licensing fees* for intercollegiate athletics to defray any costs
38 accrued under this section.

39 ~~SECTION 1. (a) The Legislature finds and declares all of the~~
40 ~~following:~~

~~(1) California ranks 50th among the 50 states in counselor-to-pupil ratio with a ratio of one counselor per 954 pupils.~~

~~(2) Studies have revealed that pupils who met with a school counselor several times during the school year to discuss college were much more likely to attend a four-year postsecondary educational institution.~~

~~(3) School counselors are integral figures in ensuring college readiness and meeting high school graduation requirements because they counsel pupils into appropriate classes.~~

~~(4) School counselors are integral to the total educational program. They provide proactive leadership that engages all stakeholders in the delivery of programs and services to help pupils achieve success in school. Professional school counselors align with the mission of the school to support the academic achievement of all pupils as they prepare for the ever-changing world of the 21st century. This mission is accomplished through the design, development, implementation, and evaluation of a comprehensive, developmental, and systematic school counseling program.~~

~~(5) California's overall high school graduation rate is approximately 71 percent with the graduation rates for African American and Latino pupils even lower, 60 percent for Latino pupils and 56.6 percent for African American pupils.~~

~~(b) It is therefore the intent of the Legislature to increase the number of credentialed school counselors in high schools in the bottom 25 percent of the state in academic performance, so that each qualifying high school would receive one counselor position dedicated to work with pupils on preparing them to obtain a degree at an institution of higher education or a certificate at a technical institution.~~

~~SEC. 2. Section 52379 of the Education Code is amended to read:~~

~~52379. (a) Funds appropriated in the annual Budget Act for purposes of this chapter shall be allocated to school districts based on the needs of pupils as indicated by the number of pupils who failed either section of the high school exit examination in the most recent grade 10 administration of that examination. Allocation to school districts shall be calculated pro rata based on the number of pupils who failed either section of the high school exit~~

1 examination in the most recent grade 10 administration of that
2 examination, with the following minimum grant exceptions:

3 (1) Five thousand dollars (\$5,000) for each schoolsite that has
4 100 or fewer pupils enrolled in any of grades 7 to 12, inclusive.

5 (2) Ten thousand dollars (\$10,000) for each schoolsite that has
6 at least 101, but not more than 200, pupils enrolled in any of grades
7 7 to 12, inclusive.

8 (3) Thirty thousand dollars (\$30,000) or an amount per pupil
9 enrolled, whichever is greater, for each schoolsite with more than
10 200 pupils enrolled in any of grades 7 to 12, inclusive.

11 (b) (1) In order to be eligible to receive funding under this
12 section, a high school is required to rank among the lowest 25
13 percent of high schools in the state with respect to the percentage
14 of its pupils who failed either section of the high school exit
15 examination in the most recent grade 10 administration of that
16 examination. A school district with a high school or high schools
17 that are receiving funding under this section shall provide matching
18 funds in order to fully fund the counselor position, including, but
19 not necessarily limited to, matching funds, on a one-to-one basis,
20 for the provision of salary and benefits and to defray other
21 necessary program expenses.

22 (2) A participating high school shall receive one counselor
23 position dedicated to work with pupils on preparing them to obtain
24 a degree at an institution of higher education or a certificate at a
25 technical institution. A counselor position funded under this
26 program shall not be used in the regular rotation of counselors at
27 the participating high school. A counselor position funded under
28 this program is authorized to provide, but is not necessarily limited
29 to, all of the following services:

30 (A) Working with pupils, in conjunction with faculty and staff,
31 college and university recruiters, and community-based personnel,
32 to provide pupils and their families with college preparation
33 workshops.

34 (B) Providing one-on-one college preparatory advising.

35 (C) Conducting college application workshops, which may
36 include, but are not necessarily limited to, discussion of high school
37 graduation requirements, the "a-g" courses required for admission
38 to the University of California and other institutions of higher
39 education, college entrance requirements, and how to read a
40 transcript.

1 ~~(D) Conducting financial aid workshops, which may include,~~
2 ~~but are not necessarily limited to, helping pupils and their families~~
3 ~~to understand what types of financial aid are available for colleges,~~
4 ~~discussion of financial aid programs, such as the Cal Grant and~~
5 ~~Cash for College programs, the process of applying for financial~~
6 ~~aid, and how to fill out the Free Application for Federal Student~~
7 ~~Aid (FAFSA).~~

8 ~~(E) Conducting family information workshops, which may~~
9 ~~include, but are not necessarily limited to, discussions with families~~
10 ~~about how to help their children at each grade level to prepare for~~
11 ~~and stay on track for college. The goal of these workshops would~~
12 ~~be to help families understand higher education options, the college~~
13 ~~application process, and college entrance examination~~
14 ~~requirements.~~

15 ~~(F) Conducting university and college campus visits for pupils.~~

16 ~~(G) Working with outside outreach and recruitment programs,~~
17 ~~including, but not necessarily limited to, the California Student~~
18 ~~Opportunity Access Program (Cal-SOAP), the Early Academic~~
19 ~~Outreach Program (EAOP), and University of California and~~
20 ~~California State University outreach programs.~~

21 ~~(H) Assisting pupils and their families in filling out and~~
22 ~~submitting grade-point average information release forms for the~~
23 ~~Cal Grant Program.~~

24 ~~(e) A school district that received funding under the program~~
25 ~~in the first 2006–07 grant cycle may continue to receive funds in~~
26 ~~future years to maintain counseling programs at the 2006–07 first~~
27 ~~cycle funding level if the district meets all other conditions of the~~
28 ~~program.~~

29 ~~(d) Funds allocated pursuant to this section shall supplement,~~
30 ~~and not supplant, expenditures made by a school district for school~~
31 ~~counseling programs.~~

32 ~~(e) For purposes of this section, a charter school is not eligible~~
33 ~~to receive a minimum grant but instead shall receive an amount~~
34 ~~per pupil enrolled in grades 7 to 12, inclusive.~~

35 ~~(f) Funds appropriated in the annual Budget Act for purposes~~
36 ~~of this chapter shall be used to provide supplemental counseling~~
37 ~~services delivered by personnel who hold a valid pupil personnel~~
38 ~~services credential.~~